

Practitioner's Docket No. 1026-001

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Julie R. Bartholomew et al.

Application No.: 09/818,077

Group No.: 3651

Filed: March 27, 2001

Examiner: Khoi H. Tran

For: NAIL POLISH COLOR SELECTION SYSTEM

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JUL 28 2002

GROUP 3600

Commissioner of Patents
Washington, D.C. 20231

ELECTION REQUIREMENT PURSUANT TO 35 U.S.C. 121

Dear Sir:

This response addresses the Election/Restriction requirement dated July 15, 2002 with respect to the above-identified patent application. Applicants provisionally elect with traverse Species I. This election is made for purposes only of expediting prosecution and facilitating examination, and without intending in any way to surrender claim scope broader than the present elected species.

Applicants believe that at least claims 1-10, 13-21, and 24 read on the elected species. In the interest of advancing prosecution, Applicants do not identify the remaining claims as reading on the elected species. However, this is not intended as a concession that the remaining claims do not read on the elected species.

The Examiner represented that he attempted to reach the undersigned by telephone on July 12, 2002 to request an oral election to the restriction requirement. The undersigned received no telephone message to that effect. The Examiner is respectfully requested to leave a message if further telephone attempts are made.

CERTIFICATION UNDER 37 C.F.R. 1.10*

(Express Mail label number is mandatory.)

(Express Mail certification is optional.)

I hereby certify that this correspondence and the documents referred to as attached therein are being deposited with the United States Postal Service on this date July 19, 2002, in an envelope as "Express Mail Post Office to Addressee," mailing Label Number EV139965825US, addressed to the: Commissioner of Patents, Washington, D.C. 20231.

Roni L. MASQUELIER
(type or print name of person mailing paper)

Roni L. Masquelier
Signature of person mailing paper

This application has been pending for almost 16 months with no examination yet on the merits. Applicants kindly request that the Examiner take reasonable measures to help expedite prosecution at this time.

If the Examiner has any questions with respect to this communication, the Examiner is kindly urged to call the undersigned.

If for some reason Applicants have not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent the abandonment of this application, please consider this as a request for an extension for the required time period and/or authorization to charge our Deposit Account No. 50-1096 for any fee which may be due.

Dated: July 19, 2002

Respectfully submitted,



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